
By: **Delegates Rosenberg, Sossi, and Holmes**
Introduced and read first time: January 29, 2004
Assigned to: Environmental Matters

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 16, 2004

CHAPTER _____

1 AN ACT concerning

2 **Real Property - Task Force on Business Owner Compensation in**
3 **Condemnation Proceedings**

4 FOR the purpose of establishing a Task Force on Business Owner Compensation in
5 Condemnation Proceedings; providing for the membership of the Task Force;
6 providing for the designation of a chairman of the Task Force; providing for staff
7 for the Task Force; prohibiting a member of the Task Force from receiving
8 compensation; authorizing a member of the Task Force to receive
9 reimbursement for certain expenses; requiring the Task Force to study certain
10 issues; requiring the Task Force to report its preliminary findings to the
11 Governor and the General Assembly on or before a certain date; requiring the
12 Task Force to report its final findings to the Governor and the General Assembly
13 on or before a certain date; providing for the termination of this Act; and
14 generally relating to the establishment of a Task Force on Business Owner
15 Compensation in Condemnation Proceedings.

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That:

18 (a) There is a Task Force on Business Owner Compensation in Condemnation
19 Proceedings.

20 (b) The Task Force consists of the following members:

21 (1) ~~three~~ two members of the Senate of Maryland, appointed by the
22 President of the Senate;

23 (2) ~~three~~ two members of the House of Delegates, appointed by the
24 Speaker of the House;

1 (3) one representative of the Department of Business and Economic
2 Development, designated by the Secretary of Business and Economic Development;

3 (4) one representative of the Department of Housing and Community
4 Development, designated by the Secretary of Housing and Community Development;

5 (5) one representative of the Department of Transportation, designated
6 by the Secretary of Transportation;

7 (6) one representative of the Department of ~~Planning~~ General Services,
8 designated by the Secretary of ~~Planning~~ General Services;

9 (7) one representative of the Maryland Retailers Association, designated
10 by the Maryland Retailers Association; and

11 (8) the following members, appointed by the Governor:

12 (i) three representatives of local government, including one
13 representative of the Maryland Municipal League and one representative of the
14 Maryland Association of Counties;

15 (ii) two merchants or owners of businesses who have experience in
16 condemnation;

17 (iii) one attorney who ~~is familiar~~ has experience with condemnation
18 in the private sector, recommended by the Maryland State Bar Association; ~~and~~

19 (iv) one attorney who has experience with condemnation in the
20 public sector;

21 ~~(iv)~~ (v) one developer who has developed a project that involved
22 condemnation; and

23 (vi) one commercial real estate broker or agent.

24 (c) The Governor shall designate the chairman of the Task Force.

25 (d) The Department of Transportation shall provide staff for the Task Force.

26 (e) A member of the Task Force:

27 (1) may not receive compensation; but

28 (2) is entitled to reimbursement for expenses under the Standard State
29 Travel Regulations, as provided in the State budget.

30 (f) The Task Force shall study:

31 (1) the concept of ~~small~~ business goodwill, with a particular focus on
32 small business goodwill, and the appropriateness of developing a method for

1 determining the value of business goodwill ~~as for purposes of calculating~~
2 compensation in condemnation proceedings;

3 (2) the feasibility of requiring a displacing public agency to conduct a
4 study of the impact of condemnation on ~~small business~~ businesses, including small
5 businesses, in the proposed area where ~~eminent domain~~ condemnation proceedings
6 ~~will be authorized~~ take place;

7 (3) the ~~establishment of~~ appropriateness of establishing a fund, similar
8 to the fund administered by the Baltimore Development Corporation, to provide
9 financial assistance for ~~small businesses~~, including small businesses, impacted by a
10 condemnation ~~or eminent domain~~ proceeding; ~~and~~

11 (4) the feasibility of shortening the ~~eminent domain~~ condemnation
12 process to lessen the uncertainty that the process creates for ~~small~~ businesses; and

13 (5) the appropriateness of making a legislative proposal on business
14 owner compensation in condemnation proceedings applicable statewide or only in
15 Baltimore City.

16 (g) The Task Force shall:

17 (1) report its preliminary findings to the Governor and, subject to §
18 2-1246 of the State Government Article, the General Assembly on or before January
19 31, 2005; and

20 (2) report its final findings to the Governor and, subject to § 2-1246 of
21 the State Government Article, the General Assembly on or before December 31, 2005.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 ~~October~~ July 1, 2004. It shall remain effective for a period of 1 year and ~~3~~ 6 months
24 and, at the end of December 31, 2005, with no further action required by the General
25 Assembly, this Act shall be abrogated and of no further force and effect.